

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RFR HOLDING LLC and
CENTURY 21 CHICAGO, LLC

Plaintiffs,

V.

PONTE GADEA FLORIDA, INC. and
CHICAGO MICHIGAN, LLC

Defendants.

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Case No. 08 CV 1555

Hon. Wayne R. Andersen

Magistrate Judge Cole

**MOTION FOR LEAVE TO FILE A SURREPLY
TO PLAINTIFFS' MOTION TO DISQUALIFY**

Defendants Ponte Gadea Florida, Inc. and Chicago Michigan, LLC (collectively “Defendants”), by and through their undersigned attorneys, respectfully move this Court for leave to file a surreply to Plaintiffs RFR Holding LLC’s and Century 21 Chicago, LLC’s (collectively “Plaintiffs”) Motion to Disqualify Defendants’ chosen counsel. In support of their motion, Defendants state as follows:

1. On June 13, 2008, Plaintiffs filed a Motion to Disqualify Defendants' counsel, Greenberg Traurig ("GT"), from representing Defendants in this action.
2. Defendants filed their Response Brief on August 1, 2008.
3. On August 22, 2008, Plaintiffs filed their Reply Brief in further support of their motion for an order disqualifying GT from representing Defendants in this action.
4. In their Reply Brief, Plaintiffs raised new legal arguments and relied on new case law in responding to Defendants' Response Brief which were not raised in Plaintiffs' Motion to Disqualify. In addition, Plaintiffs presented new facts and submitted new evidence in their Reply

Brief. Finally, in their Reply Brief, Plaintiffs made factual misstatements that require clarification.

5. Specifically, Plaintiffs added additional legal arguments concerning “direct attorney-client relationships” and “vicarious attorney-client relationships.”

6. In addition, Plaintiffs relied on several new cases throughout their Reply Brief, including with respect to its additional arguments concerning “direct attorney-client relationships” and “vicarious attorney-client relationships.”

7. Also, Plaintiffs have misstated facts regarding GT’s current and former representations, which should be clarified.

8. Finally, in their Reply, Plaintiffs included new factual representations and submitted new evidence in a new Affidavit by Frank Mangieri.

9. Defendants’ ability to proceed in this action represented by their choice of counsel, the same counsel that represented them in the underlying deal (and that represents them on all U.S. matters), is of paramount importance. Plaintiffs have this advantage and seek to strip it from Defendants.

10. As a result, Defendants respectfully submit that they should be allowed to address these matters in a surreply, and that such surreply would assist the Court in rendering a decision on the Motion to Disqualify.

11. This is Defendants’ first request for a surreply in the current case and is not interposed for purposes of delay.

12. Defendants’ counsel on the disqualification issue is in the midst of a multi-week trial which concludes on September 2, 2008, and then is scheduled to attend an important bi-annual firm shareholder retreat held out of town September 3-5, 2008. Defendants remaining

counsel also will be at the retreat. Because of Defendants' counsel's schedule, Defendants request the Court set the deadline for filing their surreply for September 26, 2008.

WHEREFORE, Ponte Gadea Florida, Inc. and Chicago Michigan, LLC respectfully request that this Court grant them leave to file a surreply to Plaintiffs' Motion to Disqualify.

Date: August 29, 2008

Respectfully submitted,

PONTE GADEA FLORIDA, INC. and
CHICAGO MICHIGAN, LLC

By: /s/ Rita M. Alliss Powers
One of its Attorneys

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